D.B.CIVIL WRIT PETITION NO. 3512/2005
Shanker Lal v. Union of India & ors.

Date of order : 10.07.2006

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Shri K.L.Jasmatiya]
Shri S.N.Jasmatiya] for the petitioner .
Shri Vineet Kumar Mathur for respondent nos.1 to 3

The dispute in this writ petition arising from a decision of the Central Administrative Tribunal, Jodhpur Bench relates to appointment on the post of Extra Departmental Branch Post Master (EDBPM) at branch Office, Bithu. The dispute between the petitioner on the one hand and respondent no.4 Mahendra Das Meena on the other hand stands settled in principle by the decision in the case of Gautam Kumar Pareek v. Union of India & ors., D.B.Civil Writ Petition no. 5047/2003 decided on 28.1.2005. By the said decision a Division Bench of this Court upheld the decision of the Full Bench of the Tribunal that in the matter of appointment on the post of EDBPM the relevant consideration is the merit reflected in the comparative chart prepared on the basis of marks secured by candidates in different examinations. It is not in dispute that the petitioner secured 38.36 points as against 47.83 points secured by the respondent and therefore, being higher in merit, the respondent was rightly appointed. We thus find no error in the order

upholding appointment of the respondent. There is no merit in the writ petition which is accordingly dismissed.

(MOHAMMAD RAFIQ),J. (S.N.JHA), C.J

mathur/